

REMARKS

This Amendment is being filed in response to the Final Office Action mailed March 3, 2009, which has been reviewed and carefully considered. By means of the present amendment, claims 3, 6, 8-9 and 13 have been amended to place them in better form for appeal. Accordingly, entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-4 and 6-19 remain in this application, where claim 5 had been previously canceled without prejudice. Claims 1 and 8 are independent.

In the Final Office Action, claims 1-4, 6, 8-10, 13 and 15-18 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,574,482 (Radomsky) in view of U.S. Patent No. 6,496,806 (Horwitz) and U.S. Patent No. 5,515,426 (Yacenda). Further, claims 7 and 14 are rejected under 35 U.S.C. §103(a) over Radomsky in view of U.S. Patent Application No. 2004/0198308 (Hurst). Claims 11-12 and 17 are rejected under 35 U.S.C. §103(a) over Radomsky in view of U.S.

Patent Application Publication No. 2004/0077309 (Brass). Claims 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Radomsky in view of U.S. Patent No. 6,915,135 (McKee). It is respectfully submitted that claims 1-4 and 6-19 are patentable over Radomsky, Horwitz, Yacenda, Hurst, Brass, and McKee for at least the following reasons.

Radomsky is directed to a portable badge including an RF transmitter for communication with a fixed reader having an IR and RF receiver mounted in a room.

As correctly noted on page 4 of the Final Office Action, Radomsky does not disclose or suggest that the association data further comprises a leaving time of when the portable device left the communication range of the station, as recited in independent claim 1 and 8. Horwitz is cited in an attempt to remedy the deficiencies in Radomsky.

Horwitz is directed to a method and system for tracking each item in a cluster of items. It is alleged that column 10, lines 36-40 and column 4, lines 26-29 disclose data comprising a leaving time of when a portable device left the communication range of a

station, as recited in independent claim 1 and 8.

Column 10, lines 36-40 of Horwitz specifically recite:

The cluster ID along with any location tag that were identified in the same read are stored together with a time date stamp in a location list for each cluster ID that was determined as present in that read. (Emphasis added)

Column 4, lines 26-29 specifically recite:

Indeed, a system that can read multiple tags with a high degree of accuracy is required to make an RFID system viable for a wide range of applications. (Emphasis added)

It is respectfully submitted that column 10, lines 36-40 and column 4, lines 26-29 of Horwitz merely disclose storing together is a location list an ID, location tag, and a time date stamp; and reading multiple tags. Such disclosure does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 8 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the association data further comprises a leaving time, the leaving time being when the portable device left the communication range of said station.

These features are nowhere disclosed or suggested in Radomsky,

Horwitz, and combination thereof. Rather, Horwitz merely discloses storing together an ID, location tag, and a time date stamp. Yacenda, Hurst Brass, and McKee are cited to allegedly show other features and do not remedy the deficiencies in Radomsky and Horwitz.


Further, it is respectfully submitted that the cited references are not merely attacked individually, as alleged on page 2, paragraph three of the Final Office Action. Rather, none of the cited references, alone or in combination, disclose or suggest generating and uploading association data that includes the leaving time when the portable device left the communication range of the station, as recited in independent claims 1 and 8. At best, the cited reference disclose the time and date of where a tracked item is located. Such a disclosure does not suggest generating association data that includes the leaving time. Independent claims 1 and 8 do not merely recite time/date stamping, but specifically recite generating and uploading the leaving time, which is nowhere disclosed or suggested in Radomsky, Horwitz, Yacenda, Hurst, Brass,, McKee, and combinations thereof.

Accordingly, it is respectfully submitted that independent claims 1 and 8 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-4, 6-7 and 9-19 should also be allowed at least based on their dependence from independent claims 1 and 8.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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